

APPLICATION REFERENCE: PL/2021/02796/PPRM**Site Address:** Sub Phase F The Green Stratford Road Shirley Solihull B90 4LA

Proposal:	Reserved matters consent sought for the development of 73 dwellings within sub-phase F of Plot 3 on the outline site, including public open space, SUDs attenuation pond, with play facilities to be provided alongside cycle and pedestrian routes, required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2018/02731/MAJFOT.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: <u>https://publicaccess.solihull.gov.uk/online-applications/</u>

Reason for Referral to Planning Committee:	The proposal has given rise to a substantial amount of public concern and in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation: APPROVAL SUBJECT TO CONDITIONS**EXECUTIVE SUMMARY**

This application relates to land at The Green, Stratford Road Shirley. In March 2019, hybrid planning permission (PA Ref PL/2018/02731/MAJFOT) was granted for an outline application for up to no.330 (C3) residential dwellings and up to 100,000 square feet of car dealerships, with all matters reserved apart from access and scale, a full planning permission for 242 residential dwellings and a car dealership.

The hybrid application granted consent for outline permission for up to 330 dwellings on the remaining section of the Green which was not allocated full planning permission for residential development, or the area allocated for car showrooms.

This application does not seek consent to develop the entirety of the site allocated for these 330 houses and instead seeks consent for the final parcel of the site (referred to as subphase F). This application seeks consent for 73 dwellings on subphase F and follows on from the previously approved applications (reference

PL/2020/01611/PPRM) for 76 dwellings on Phase E and (reference PL/2021/00659/PPRM) for 137 dwellings on (phase F&G).

Nevertheless, because this current reserved application for sub Phase F constitutes the last parcel of land to submit a reserved matters planning applications, its assessment requires that matters relating to trees, biodiversity, open space and affordable housing make good any variance of provision already agreed in previously approved phases and their reserved matters consent. These aspects are considered in detail in the following report.

As the outline planning permission for the construction of up to 330 dwellings on this wider site has already been granted, it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability or otherwise of the reserved matters in terms of layout, appearance and landscaping now put forward for consideration for this parcel of land and compliance with the design guide submitted in accordance with condition 26 of the hybrid approval.

Following the submission of amended plans, it is considered that the submitted proposals are in compliance with the spirit of the design guide and provides an acceptable layout in terms of impact on neighbouring amenity, landscape, ecology, drainage, urban design and highways.

The proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for the above reasons that the application should be approved.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Background; and
- Whether or not the proposed appearance, landscape and layout are acceptable having regard to the development plan policies and any other material considerations.

- Other material considerations
 - Highway matters;
 - Housing mix and affordable housing;
 - Living conditions;
 - Drainage;
 - Ecology;
 - Climate Change
 - Planning Conditions;
 - Developer contributions and infrastructure provision;
 - Public sector equality duty;
 - Human rights; and
 - Other matters

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Flood Authority & Drainage – No objection subject to compliance with conditions on hybrid approval

Non Statutory Consultees The following Non-Statutory Consultee responses have been received:

SMBC Affordable Housing - No objection

SMBC Ecology - No objection

SMBC Highways – No objection

SMBC Landscape – No objection

SMBC Urban Design – No objection

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

33 responses were received from 16 separate properties. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Scale/Design/Layout

- Dwellings should have 12m rear gardens
- Original application stated development would be two storey detached and semi-detached
- Dwellings not considered to be in character with existing houses

Amenity

- Unacceptable overlooking due to short gardens
- No amenities or facilities for new residents
- Public open space located near to Village hotel and busy Dog Kennel Lane is not acceptable
- Existing bund on site will be removed resulting in loss of privacy
- House types are not appropriate
- Existing gardens on Blackford Road are shorter than those quoted in the planning statement

Landscape/Ecology

- Felling of mature trees is unacceptable, in particular the corridor of maple trees
- Concerns that a bat survey has not been undertaken
- Damage should not occur to existing plants on private properties
- Tree loss along Blackford Road boundary is not in keeping with original hybrid approval
- Tree removal will result in significant loss of carbon storage
- Dwellings not considered to be in character with existing houses
- Rather than off site tree planting it would be better for them to be planted instead of car showrooms
- Use of S106 agreement to mitigate tree and biodiversity loss is unacceptable
- Important screening to Village Hotel will be lost
- No up to date bat survey
- Tree numbering between original plans and latest plans is not the same
- No compliance with the Environment Bill Nov 2021.
- Is additional area of land around Village Hotel included to increase public open space?
- Lack of play provision in suitable locations
- Reference to online petition (change.org) with 1566 signatures to save the trees

Drainage

- Drainage concerns as existing gardens on Blackford Road already suffer during heavy rain
- Raising of site level will result in back gardens flooding
- Concerns over wider drainage strategy and currently flooding issues and ponds unfenced

Other Matters

- Meaningful consultation did not take place prior to submission of application
- Concerns over 2m wide landscape buffer attracting antisocial behaviour
- Developers are not adhering to the guidelines set out under the hybrid approval
- Car parking should be to the side of houses and not the front, in accordance with Design and Access Statement
- Noise and dust during build process
- Building houses around Village Hotel car park is in conflict with approval to extend the Village Hotel.
- Traffic demands on Blackford Road will increase
- Consultation fly from Bellway was misleading
- Development does not respect the scale, design or materials used in the area
- Application is at odds with local and national policies
- Loss of wildlife after development
- Acoustic barrier on car park is not indicated as recommended in report for 2018/02731

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance.

Background and relevant planning history

This application follows on from the original hybrid approval for the site, and the subsequent reserved matters applications for the site as set out below:

Application reference PL/2018/02731/MAJFOT – A hybrid planning application for the demolition of the existing buildings; an outline planning application for up to No. 330 (C3) residential dwellings and for up to 100,000 square feet (GIA) of car dealerships including MOT facilities (Sui generis) with all matters reserved apart from access and scale; and a full planning application for No. 242 (C3) residential dwellings and a full planning application for a single car dealership including MOT facilities (Sui generis) including a new vehicular access from Dog Kennel Lane, a new vehicular access from the existing A34 Cranmore Boulevard roundabout, tree removal works, landscaping, infrastructure upgrades and drainage works.

Application reference PL/2020/01611/PPRM - Reserved Matters application for the development of 76 dwellings within Phase E of Plot 3 on the outline site, including public open space, SUDs attenuation pond, with play facilities to be provided along a linear cycle and pedestrian route, required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2018/02731/MAJFOT.

Application reference PL/2021/00659/PPRM - Reserved matters consent sought for the development of 137 dwellings within Phases F and G of Plot 3 on the outline site, including public open space, SUDs attenuation pond, with play facilities to be provided alongside cycle and pedestrian routes, required by condition No. 3 relating to the reserved matters of layout, appearance and landscaping pursuant to planning permission reference PL/2018/02731/MAJFOT.

As previously set out above, outline planning permission for the construction of up to 330 dwellings on this wider site has already been granted, so it is not the principle of residential development that lies at the heart of this application. Rather it is the acceptability or otherwise of the reserved matters relating to the layout, appearance and landscaping now put forward for consideration.

Paragraph 11 of the NPPF indicates that there is a presumption in favour of sustainable development. The correct test to apply is based upon whether an authority can demonstrate a 5-year land supply (5YHLS) or not. If it can't then for decision making the presumption means granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (that are listed in foot note 6 of the NPPF) provides a clear reason for refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole. This is often referred to as the 'tilted balance'. The latest figures the Council has published in relation to the 5YLS indicates that the Council can demonstrate a supply of 3.60 years (as of 1st April 2021) and therefore the tilted balance is engaged. This shortfall is considered to be substantial on a scale of marginal-limited-modest-substantial-severe. As the shortfall is considered to be substantial this should be given significant weight.

The principle of development is therefore supported and this carries significant weight in support of the proposal in the planning balance; particular given the lack of a five year housing land supply and the requirements of Paragraph 11 of the NNPF.

Whether or not the proposed appearance, landscape and layout are acceptable having regard to the development plan policies and any other material considerations

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

Policy P10 of the Solihull Local Plan recognises the importance of a healthy natural environment in its own right. Policy P14 requires new development to safeguard important trees, hedgerows and woodlands. Policies P10 and P14 of the Local Plan are consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The hybrid planning permission PL/2018/02731/MAJFOT provides a clear framework for the design of future reserved matters applications through the approval of parameters plans, and the residential design guide. The approved Design Guide was produced in consultation with the Council and provides a framework for the detailed design of reserved matters applications by setting out design guidance for the character areas within the site, and sits alongside the parameters plan which limits the maximum heights and number of storeys for each area. The hybrid approval also included condition 34 which restricts development at the western boundary to no more than 2 storeys in height to protect the amenity of existing residents on Blackford Road.

The parameters plan for the hybrid approval differs marginally from the site layout put forward under this application by virtue of a proposed land swap around the Village Hotel which is no-longer taking place. Therefore, there is a small variance in the area of land to be developed to the south west of the Village Hotel which falls outside of the area indicated within the approved parameters plan. This land was however included within the red line site for the hybrid approval and detailed within the S106 agreement and therefore can be developed for housing. Furthermore, this area of development has been designed to follow the guidance set out within the conditions and parameters plan in terms of restriction to a two storey height.

The proposal put forward under this application demonstrates the following key features:-

- *Layout*

Throughout the lifetime of the application and following consultation with residents the layout of the scheme has been altered to relocate some house types within the site, whilst having regard to the approved Design Guide document. Plots 115-120 on the original layout were relocated elsewhere on the western boundary in order to reduce the impact on the nearest properties on Blackford Road. Those terraced properties were replaced with detached units to increase visibility between the units

when viewed from the rear. As a result of this re-location of plots the remainder of the plots on the western boundary were re-shuffled in order to retain the correct mix of dwelling sizes as shown on the original layout.

In addition to the layout changes clarification of boundary treatments has been provided on the plans to include the retention of existing fencing which runs to the rear of adjoining properties on Blackford Road, and in addition securing additional landscaping to form a buffer where necessary. More details in relation to landscaping are discussed later in the report.

In keeping with the design guide the layout has regard to the character areas, including areas of public open space provision and the continuation of green corridor areas. Throughout the lifetime of the application additional trees were sought for retention within areas of public open space without the need for the layout to change.

The layout provides for external bin storage within the rear gardens of individual properties and car parking has been designed to be easily accessible and where possible is set alongside the dwelling to avoid large areas of hardstanding and increase landscaping opportunities. These matters are discussed in more detail later in the report.

- *Scale*

The previous phases of development focused on the higher density character areas of the Core, Avenue and Greenway Walk character areas which typically had properties greater in height and included apartments in some locations.

The character areas within the previous phases of development comprised:

- Avenue character area
 - This area is focused around the existing spine road running through the wider site, and will deliver 3-4 storey buildings
- Green walk character area
 - A less formal area than The Avenue, this area will deliver mostly 2 storey dwellings with 3 storey units at key locations. The majority of these houses will face areas of public open space and the green corridor
- Core character area
 - This area is proposed to include more terraced units with development delivered at a moderate-high density.

This final phase largely relates to the Edge character area. This is reinforced through the Design Guide, with this area categorised as the 'Edge' Character Area and characterised by traditional design and low to medium density development, that will be up to 2 storeys in height, with predominantly detached and semi-detached dwellings and a consistent frontage building line used to provide good levels of enclosure and natural surveillance.

It is considered that the scale of development pays due regard to the approved parameters plan, associated conditions and design code. Specific housing typologies have been applied where required throughout the site to ensure that it relates well to the wider site and previously approved phases in order to ensure consistency in design throughout the development. It is considered that the proposed scale of the dwellings under this phase is in keeping with the vision set out for this area.

- *Appearance*

The proposed development incorporates a variety of types of housing, including a single block of 4 apartments, terraces, semi-detached and detached dwellings.

The development has been designed where possible to include active frontages providing natural surveillance over open spaces and movement routes through the site.

As with the previous phases, a contemporary design has been utilised, in accordance with the principles set out within the established design guide and to ensure that the proposal relates sympathetically to the new residential development being building out under Phase E, Phase F & G and the Persimmon site to the south.

The site layout includes one block of 4 apartments which are located to the southern most part of the site, closest to the public open space and Village Hotel. These apartments, designed as one block, take on the appearance of a single detached building with one main front door, parking to the frontage and rear private amenity space.

Terraced houses are proposed to be delivered within the scheme which will comprise open market and affordable units, with a mixture of 2, 3 and 4 bedroom units.

Semi-detached properties would be delivered with a mix of 2 and 3 bedroom and again a mix of open market and affordable units. Detached properties would be delivered as 4 bedroom properties as open market. Careful attention has been paid to all dwellings within the phase to ensure that they are designed in a manner so as to appear tenure blind and that dwellings are well distributed throughout the site.

Concerns have been raised that the design of the properties is not in keeping with those on Blackford Road as stipulated within the Design Guide and that the design guide does not include reference to the inclusion of terraced properties in this phase. It is considered that the design of the dwellings are reflective of the character of Blackford Road with regards to maintaining a two storey height, whilst also drawing design cues from the previous phases at The Green. In relation to the inclusion of terraced housing in this phase the design code refers to the units being 'predominantly' semi-detached and detached and therefore does not exclude the option to introduce terraced housing. Furthermore, careful attention has been paid, and amendments included, to place semi-detached properties at locations backing on to the shorter gardens on Blackford Road in order to offer greater separation and breaks in the building line.

The layout has sought to provide a legible movement strategy, with a road hierarchy that reflects the Outline Masterplan and Parameter Plan, whilst responding to the design requirements set out by the approved Design Code for this phase. Where possible, car parking has been accommodated within individual plots to the side of dwellings, although in denser areas of the site frontage parking or small parking court areas to the rear are proposed in order to more efficiently utilise the developable area.

It is considered that the properties and the layout have been designed in accordance with the approved Design Guide and the simple palette of materials with well-proportioned elevations styles will create a residential development which reflects that of the previous phases of development to the south and east (Phase E and Phase F&G). The layout responds to its context and accords with Policy P15 of the Local Plan.

- *Landscaping*

The development of The Green as a whole will be surrounded by landscaping, public open space and children’s play areas as part of the wider development at The Green. The landscape, open space and play provision strategy has been informed by the layout and scale of the proposed development. This considers the surrounding landscaping approved as part of the hybrid planning permission to ensure that areas of landscape are able to be located close to each other to provide a cohesive landscape strategy.

The application is accompanied by a series of documents which set out the proposed landscaping for the site. These identify the removal of additional trees above and beyond those identified under the hybrid application. Whilst it is recognised that there are some substantial tree losses proposed (in terms of numbers), the trees in question are frequently overplanted as a result of poor arboricultural management particularly in Sub Phase F and are generally of lower qualitative category where the vast majority lie within the developable area of the site. The table below provides a summary of proposed tree works to sub phase F (this application) and is based on the applicant’s Tree Loss Analysis report dated September 2021, but has been amended to reflect additional Category B trees which are now to be retained.

Tree numbers by quality and value categories, after impacts by the proposals.

Grade	Trees Before	Trees after	Trees lost	% of tree grade lost	% of tree grade retained
U	2	0	2	100	0
A`	6	5	1	17	83
B	92	36	56	61	39
C	365	77	288	79	21

Throughout the lifetime of the application as well as small changes to the layout of the dwellings and additional tree retention, amendments have been made to ensure

that a landscape buffer is provided along the Western boundary with Blackford Road, in conjunction with secure 1.8m-2.0m high boundary fencing. These changes were offered by the applicant following an in-person consultation with residents at Blackford Road earlier this year. This landscape buffer will offer a mixture of tree planting and shrub planting to offer a softer transition between the boundaries of the existing plots on Blackford Road and the new dwellings within the development. Landscape drawings detail both the planting and species proposals for this area and indicate the growth rate of the trees over time to show how the landscape buffer will mature to provide adequate screening between the existing and proposed developments. In addition to this the developer has sought to retain additional trees within the public open space to the north west of the site, and trees previously identified to be removed are now to be retained.

In relation to the proposed planting, areas of amenity grass and turfed areas are to be introduced, and boundary treatments to demarcate private and public areas are shown. These are considered acceptable in accordance with the design guide and wider scheme.

When looking at the outline site as a whole (Phase E, Phase F & G and Sub-phase F) as well as the first phase approved in full, the proposed tree losses have been subject to considerable discussion between the parties. Throughout the lifetime of the application amendments have been made to the landscaping scheme which have also sought to retain some additional trees within the public open space to the north west of the site and where possible along the boundary of Blackford Road. It is however recognised that the hybrid approval which granted consent for housing on this phase of the site would always lead to tree loss in places, and this was the justification for securing a robust method for both on-site and off-site mitigation via the S106. The hybrid approval was clear that the tree loss on parts of the site were unknown due to the outline nature of the site, and that in some instances greater tree removal may be required dependent on the final layout of the development, and that these elements would be subject to assessment at Reserved Matters stage.

A reconciliation plan has been produced by SMBC Landscape and covers the entirety of the site and can be found within the plan pack associated with this officer report within the Committee Agenda papers. The reconciliation identifies existing trees scheduled for removal, existing trees scheduled for retention, and proposed new tree planting. SMBC Landscape are satisfied that an acceptable level of mitigation has been achieved through a combination of on-site mitigation where possible, and the S106 agreement which secures a financial contribution towards planting elsewhere within the Borough.

The following table provides key findings and is based on the monetary equivalent of tree values.

Phase of Development	Bellway Sub Phase F
Total amount of mitigation required due to tree loss of scheme (adjusted)*	£23,605
Total amount of on-site mitigation	£23,605

Residual for off-site payments to mitigation (S106 monies)	£33,515.00
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Phase of Development	Bellway Phase E
Total amount of mitigation required due to tree loss of scheme (adjusted)*	£11,200
Total amount of on-site mitigation	£14,185
Residual for off-site payments to mitigation (S106 monies)	Surplus £2,985

Phase of Development	Bellway Phase F and G
Total amount of mitigation required due to tree loss of scheme (adjusted)*	£36,000
Total amount of on-site mitigation	£20,045
Residual for off-site payments to mitigation (S106 monies)	£15,995

Phase of Development	Persimmon Homes
Total amount of mitigation required due to tree loss of scheme (adjusted)*	£139,200
Total amount of on-site mitigation	£9,140
Residual for off-site payments to mitigation	£130,060

*the adjusted figure accounts for tree losses expected through positive arboricultural maintenance

Total off-site mitigation

Bellway	£33,515 - £2,985 + £15,995 = £46,525
Persimmon	£130,060

The above calculations are based on mitigation using a semi-mature species with a trunk girth of 20-25cm at £400 per tree. It is for the developer to decide which species and size of tree to plant within their site, being mindful that smaller whips are less expensive hence many more of these trees would need to be planted in order to generate the values calculated. This has been borne out at the Persimmon development where an emphasis on replacement planting has been provided through whips, rather than making more use of semi-mature stock. These are then managed by way of condition and ongoing maintenance to help ensure they become established. Any that fail within the first 5 years are replaced.

Finally, turning to public open space provision it is noted that sub-phase F, subject to this application, is the final phase of development on this site following on from the original hybrid approval under application reference PL/2018/02731/MAJFOT. As required a final calculation of public open space provision for this phase and subsequently approved phased to look at the site as a whole has been undertaken (note, that this does not cover areas approved in full, and only related to the outline phases). The assessment per phase and the total is set out below:

P.O.S Requirement all Phases - Bellway (using SMBC Standard 2.3 head per house and 2.86Ha per 1000 population)				
	Phase E	Phase F and G	Sub Phase F	All Bellway Phases
On-site P.O.S Requirement	0.509	0.912	0.48	1.901
On-site P.O.S provision	0.647	0.436	0.363	1.446
Difference	0.138	-0.476	-0.117	-0.455 Carried to Summary
	4550	M2	£25.00	£113,750.00

As can be seen in the table above, the assessment resulted in an over provision of public over space on Phase E and an under provision on both phases F and G and sub phase F. Site wide this resulted in an under-provision of 0.455 ha (4550m²). Policy P20 of the Solihull Local Plan, which deals with open space in developments, allows both quantitative and qualitative improvements to open spaces. In this case, to supplement the quantitative areas of public open space provided across the wider site, qualitative enhancements to these areas are also introduced. To quantify the value of the under provision, SMBC standard rate of £25.00 per M² has been applied, resulting in a qualitative enhancement sum of £113,750.00. The applicants have agreed to both the Council's assessment, and subsequent enhancement value set out above.

As well as the under provision of POS being converted to a financial sum (in order to quantify the qualitative enhancements required) it is important to ensure a robust process is followed to ensure that the proposed enhancements achieve the required level of improvement. The applicant has provided a series of drawings and supporting information relating to set out the proposed enhancement, their value and their location within the site, and various phases. As a result of this, confidence can be had that the developer can achieve the required qualitative enhancements. It should be noted that the enhancement is site-wide and not specific to any of the individual phases. This is an intended approach set out by the council to ensure that the requested enhancements are 'design led' and placed in the most appropriate locations throughout.

The proposed enhancements include:

- Provision of additional benches and a Childrens' play hut within sub phase F, at the southern corner close to Village Hotel

- Provision of enhanced gravel path, bug hotel, way finding and information display stand at the south of the site close to Dog Kennel Lane
- Wooden play equipment in the form of balance bars/ropes/combo posts on land to the north of Phase E
- Wayfinding information stands within sub-phase F & G

It is important to note that these enhancements are in addition to all previously agreed areas of public open space and play features within those three phases, and in addition to the areas secured under the full permission section of the hybrid approval. Having regard to the existing agreed provision and the proposed enhancements SMBC Landscape Architects are satisfied that the public open space requirements have been suitably met. Lastly, officers are mindful that the hybrid planning permission ref: PL/2018/02731/MAJFOT provided planning permission for up to 330 new dwellings. The reserved matters applications do not meet this figure, and a combined total of 286 new homes are planned for, some 44 houses short of the 330 dwellings granted in principle. It is therefore considered that to make efficient use of this brownfield site, qualitative improvements represent the most appropriate mitigation in this instance.

In summary, the Council's Landscape Architect has considered the plans and documents submitted in support of the application and concluded that the proposal accords with Policies P10, P14, P15 and P20 of the development plan and key approved plans and documents (Design Guide) which provide the framework for the design of reserved matters applications at The Green. This should be afforded neutral weight in the planning balance.

Other Material Considerations

- Highway Matters

The NPPF indicates that developments should only be prevented if a safe and suitable access to the site cannot be achieved.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The development proposals seek reserved matters approval for the development of 73 dwellings within sub-phase F of Plot 3 of The Green, pursuant to planning approval PL/2018/02731/MAJFOT.

The sub-phase is a continuation of the recently approved reserved matters planning application within Phases F and G of Plot 3 (PL/2021/00659/PPRM). The Highway Authority has reviewed the proposed site layout (Drawing Number 8001D – Planning Layout), which is considered to be acceptable and safely accommodates pedestrians, cyclists and vehicles.

Adequate visibility splays can be achieved at proposed junctions and driveways; sufficient off-street car parking is proposed; and suitable footpath connections are

provided. Vehicle tracking drawings have also been submitted which demonstrate that a refuse vehicle and emergency service vehicle can safely manoeuvre throughout the site, including within the turning heads provided.

Having regard to the above the Highway Authority is satisfied that the proposed site layout should not have a severe impact on public highway safety, or on the operation of the local highway network. As such the development is considered to be in accordance with Policy P8 of the Solihull Local Plan and neutral weight is applied to the planning balance.

- Housing mix and affordable housing

The S106 for the site as a whole includes a vacant building credit calculation (VBC) and the planning permission requires the provision of affordable housing to be in accordance with this calculation. The assessed VBC calculation lowers the requirement for affordable housing on the site to 22% provision across Phase 2 (the area subject to outline planning permission and reserved matters applications).

Phase 2 is being taken forward in three parts: phase E, phase F and G and Sub phase F. Phase E and Phase F and G have both received Reserved Matters approval and Sub phase F is subject of this application. An Affordable Housing Scheme for the whole of the Phase 2 has been provided demonstrating that a compliant mix of affordable tenures and property sizes will be delivered across this phase of the site overall. In addition to this, the S106 requires that the affordable housing is provided in accordance with the Supplementary Planning Document 'Meeting Housing Needs'.

The affordable housing proposals include a mix of property types with a range from 1 to 4-bedroom properties. As set out above, this phase of development for the reserved matters is not seeking consent for the entirety of phase 2 and instead forms the final phase, with phase E and Phase F & G being subject to previous approvals. However there remains the needs for the phases, when looked at in the whole, to be compliant with the S106 and provide 22% affordable provision.

The previous report for the application for phase F & G (reference PL/2021/00659/PPRM) set out the following position:

- Phase E (approved) has a split of tenures of 53% social rent and 47% shared ownership
- Phase F&G (approved) has a tenure split of 63% social rent and 37% shared ownership
- Sub phase F (this final phase) must have a tenure split of 80% social rent and 20% shared ownership to deliver an overall affordable tenure balance across phase 2 that is compliant with the S106.

The affordable housing contribution set out under this application comprises 15 dwellings. The split of tenure for these 15 dwellings would be 12 for social rent and 3 for shared ownership and therefore this is compliant with the 80:20 split required as set out above.

The Council's Housing Strategy Officer has confirmed that the affordable housing proposed for this phase is acceptable and accords with the affordable housing phasing plan and requirements of the S106 Agreement. The proposal, therefore, accords with Policy P4 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Living Conditions

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses and businesses. Policy P14 of the Local Plan is consistent with policies set out in the Framework and again full weight can be attributed to this Local Plan Policy.

In terms of the amenity of future residents, the proposed layout plan demonstrates that where rear gardens face onto other rear gardens, separation distances between the houses are a minimum of 20m back to back, to avoid unacceptable overlooking. Concerns have been raised that some gardens fall short of the 12m stated in the design and access statement submitted with the hybrid application, however it is considered that sufficient back-to-back distance is achieved. For the dwellings which back onto Blackford Road, where the proposed garden is shorter than 12m, the rear garden for the neighbouring property (on Blackford Road) is in excess of 25m, and therefore the total separation is 35m+ and so comfortably comply and indeed exceed overlooking standards.

The rear gardens of plots vary from 9-15m and given the proximity of dwellings to the areas of open space and play areas within the development, it is considered that the private garden provision is sufficient.

Window orientation and plot form overlooking areas of public open space have been designed to maximise natural surveillance of public areas including communal parking areas, highways and footpaths.

Where dwellings are positioned facing onto boundaries, such as the boundary to the Village Hotel, additional soft landscaping is proposed to soften the appearance in visual terms, and separation distances are sufficient to avoid creating an enclosed environment.

It is therefore considered that the proposal layout and relationship between the proposed new dwellings and existing dwellings on Blackford Road, and the adjacent dwellings on previous phases would not have an unreasonable impact on the future occupants of these units by reason of loss of light, privacy, overlooking or overbearing impact.

The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework and should be afforded neutral weight in the planning balance.

- Drainage

Local Plan Policy P11 of the SLP advises that new development will not normally be permitted within areas at risk of flooding. The site does not lie within a flood plain and the risk of flooding is considered to be low.

The application was submitted with a Drainage Strategy. Having reviewed the proposed strategy with the applicant and reviewed the technical information submitted, SMBC Drainage engineers are satisfied that the strategy submitted can accommodate a SuDS scheme in line with policy P11, and whilst the Council is actively discouraging the use of gullies, the technical constraints of the site are understood to prevent an alternative being fully progressed, albeit best endeavours have been made in this regard. Furthermore it is noted that the system will remain as a private drainage system and will not fall under the responsibility of SMBC for future maintenance.

Concerns have been raised by local residents with regards to flooding at the north of the site, where it backs on to Blackford Road. These concerns have been reviewed by the Lead Flood Authority who advise that a drainage strategy has been submitted and assessed by them and they have raised no objection subject to additional information being submitted under the relevant discharge of condition 22 of the hybrid approval. The proposal is therefore compliant with Policy P11 of the SLP and neutral weight should therefore be attached to this material consideration.

- Ecology

Solihull Local Plan Policy P10 seeks to protect habitats and to conserve, enhance and restore biodiversity.

A completed Biodiversity Impact Assessment was submitted at the time the original hybrid application was approved which demonstrated that based on the original plans, a net gain in biodiversity could be achieved on site. The application and previous committee report did however note due to the hybrid nature of the development the biodiversity value was subject to change and could result in a scenario when a net-gain could not be achieved on site. Therefore, in order to ensure a net gain in biodiversity at the completion of the development as a whole and through the submission of reserved matters a clause was included within the S106 as a mechanism for providing a financial contribution for an offsite biodiversity scheme in the event that the proposed development resulted in a net loss to biodiversity (negative score in the BIA). In addition to the clause within the S106 agreement there are also two conditions attached to the original hybrid permission which relate to submission of further details. Namely; condition 17 (Landscape and Ecology management plan) and condition 20 (Biodiversity monitoring scheme).

Prior to the determination of this application and the requirement for the discharge of condition 20 an interim BIA has been submitted which indicates that at completion of Phases E, F & G and sub-phase F, a net gain in biodiversity cannot be achieved on the entirety of those phases. As set out above the S106 agreement which runs alongside the hybrid approval provided, ensured for provision of other mechanisms to secure off-site compensation in the event that onsite compensation was not possible. Whilst the starting point should always be to provide enhancement on site,

it is recognised that due to the constraints of some sites this is not always possible. This is the scenario in this instance and therefore to comply with the S106 the off-site provision can take the place via enhancement of a local wildlife bank, the Environment Bank or as a final option, a payment to the Council to allow the provision of biodiversity enhancement within the Borough. The final details for securing the required biodiversity credits would be dealt with by condition 20 of the hybrid and the discharge of this condition, in conjunction with the S106 compliance because until the landscaping scheme as per this application is agreed and approved, it is not possible to fully understand what the baseline for assessment of biodiversity enhancement will be, hence requiring its agreement through the submission of conditions. To date, discharge of conditions have been submitted and approved relating to biodiversity for both applications Phase E (ref: PL/2020/01611/PPRM) and Phase F and G (ref: PL/2021/00659/PPRM) albeit biodiversity for Phases F and G remain under assessment. Phase E biodiversity offsetting has been agreed, and to ensure a net gain is achieved for this phase, a payment of £55,500 was requested for off site mitigation.

The Council's Ecologists concur with the comments from the Lead Flood Authority and SMBC landscape with regards to the proposed design of SUDs features and recognise the constraints of the site limit this in terms of the proposed features and their ability to provide ecological water quality benefits. It is recognised that these details would be secured under condition 22 of the hybrid approval for drainage and would also feed into the BIA calculation under condition 20.

Concerns have been raised with regards to tree loss and the impact on protected species within the site, namely bats and birds. A technical note was submitted with the application which details the surveys undertaken and this is considered acceptable. It is noted that there is tree removal required as part of this phase of development but it is accepted that the retention of key trees has been secured, and additional tree planting has been included where possible. In addition to this the loss of bird nesting habitats within the site is to be mitigated for through the inclusion of bird boxes to be integrated into the dwellings, details of which would be secured through the condition relating to the LEMP (Condition 17 of hybrid approval).

As set out above, there are a number of additional trees which are marked for removal, having previously been outlined for retention. Any additional tree loss will need to be included within the revised BIA for this phase of the development, in addition to mitigation proposals within the LEMP. This matter can be dealt with via the discharge of conditions on the hybrid application 17 (LEMP) and 20 (BIA) are still to be discharged and therefore this has neutral weight in the planning balance.

Planning Conditions

It is important to note that hybrid planning permission has already been granted, which has a large number of planning conditions / informative notes already attached. These should therefore be read alongside the current reserved matters application, and cover many of the concerns raised (e.g. working times, noise, dust, access routes for construction traffic). The conditions include:

Condition 6 - Materials

Condition 7 – Vehicle access upgrade
Condition 9 – Service Road access
Condition 10 - Construction Method Statement
Condition 11 – Turning and passing areas
Condition 12 – Drainage (parking spaces)
Condition 13 – Cycle parking/storage
Condition 15 - Archaeology
Condition 16 – Construction environmental management plan
Condition 17 – Landscape and ecology management plan
Condition 19 – Street Lighting
Condition 20 – Biodiversity monitoring scheme
Condition 21 – Ordnance Datum
Condition 22 – Drainage (Surface Water run-off)
Condition 23 – Plant machinery noise limit
Condition 28 – Design Guide
Condition 29 – Play provision
Condition 30 – Tree protection measures
Condition 31 – Earthworks within RPA
Condition 32 – Hard and soft landscape
Condition 33 – Programme of archaeological works
Condition 34 – Parameters plan heights
Condition 37 – Pedestrian crossing details
Condition 38 – S106 relevant parties

A full list of conditions is available using the following link by using planning application reference number PL/2018/02731/MAJFOT:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

Therefore, only a limited amount of additional conditions are proposed to the attached to this approval, which deal with very specific matters that emerged during the course of the consideration of the reserved matters application. These are set out in the final section of the Report.

- Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage are secured, a net gain in biodiversity will be achieved both on site and off site and landscaping is maximised, limiting tree loss and requiring landscape mitigation and landscape schemes more generally. Officers also note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

Furthermore, it is important to note that amended Building Regulations came into effect on 15th June 2022 and become applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) are also bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

- CIL

Due to the hybrid nature of the application site as a whole the committee report for the application PL/2018/02731/MAJFOT set out that the CIL payment taking account of the varying factors across the site would result in a minimum contribution of £2,508,657 and a maximum potential payment of £2,980,003.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 as it is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

HUMAN RIGHTS

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the

Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

- The Planning balance

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: - 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

As a result of the housing land supply shortfall paragraph 11(d) of the Framework applies. Where the policies which are most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The outcome of this application therefore depends on whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and in terms of the schemes benefits. Significant weight is attached to the economic benefits of the development through economic activity both in relation to the construction phase and future occupants of the development utilising local businesses and services. Significant weight is attached to the social benefits of the development through 73 new dwellings, including 22% affordable housing.

Moderate weight is attached to the environmental benefits of the development as the layout, scale, appearance and landscaping produces an acceptable response to the site and its surroundings, responding acceptably to the built character of the locality. All other matters are neutral in the planning balance.

Therefore, in summary, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the application should be approved.

In coming to this decision, officers have also taken into consideration all the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

[http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications:](http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications)

1. CS00 – Compliance with plans

2. The external facing materials of the development hereby approved shall be carried out in complete accordance with the details shown on Cladding And Render Plan TG-A2-MAT-CLAD E; Bricks Layout Plan TG-A2-MAT-BRICK C and Roof Tiles Plan TG-A2-MAT-TILE E unless otherwise agreed in writing with the Local Planning Authority. To safeguard the visual amenities in accordance with Policy P15 of the Solihull Local Plan 2013.

3. First floor bathroom and W/Cs windows to be installed in the flank elevations of properties shall be obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013

Notes

EV Charging Points
Climate Change informative